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10/782,135

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Brent M. Nowak

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EXAMINER

TANG, SON M

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,135

Applicant(s)

NOWAK ET AL.

Examiner

Son M. Tang

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-11 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1, 4 and 10-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghaffari [US 6,804,578] in view of Hutchins et al. [US 2005/0078006; Hutchins].

Regarding to claim 1: Ghaffari discloses a system for monitoring assets and personnel associated with a business enterprise (see Fig. 1-2A) comprising:

- RFID tags (20) placed on various materials and products,
- a plurality tagging subsystems (18') for querying the RFID tags (20) for receiving tag data, and

a personnel tracking devices "personnel badges" is carried by personnel [see col. 3, lines 5-13, and 34-45, and col. 4, lines 34-36], the monitor system includes portal scanners (100) and mobile scanners (38) [see Fig. 5, col. 14, lines 16], wherein each RFID tag contains a database for storing tag data, and tag data being collected by the subsystem readers 18' and communicate with a command and control subsystem (14), wherein a command and control subsystem for integrating the materials, products and personnel databases and has a monitoring station 16 [see Fig. 1]. Ghaffari does not specifically disclose [1] a tools tagging, and [2] geolocation personnel tracking devices. However, [1] Ghaffari has stated that the objects being monitored are not limited to a specific class or category of objects (col. 3, lines 37-40 and col. 4, line 35). Therefore, it would have been obvious to one having ordinary skill in the art, that objects can

Art Unit: 2632

include tools or any other items being monitored in the area. [2] Ghaffari teaches that monitoring system is capable of locating, tracking and communicating with the personnel at any time, thus it is obvious to one ordinary skill in the art that by knowing the personnel location information, the geolocation must be included.

Ghaffari does not specifically disclose that the stationary access points are in communication with the tracking programming by means of a LAN network. Hutchins teaches a facilities management system comprises stationary access points (10, 16) for wirelessly communication with the tracking devices 18 by means of a LAN network [see Fig. 2-3, ¶ 0026]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to use LAN network as suggested by Hutchins in the system of Ghaffari, for the benefit of being able to monitor at a larger field, since LAN network is connected so it is being able to share information with each other.

Regarding to claim 4: Ghaffari and Hutchins discloses all the limitations as described above, except for specifically mention wherein the personnel tracking subsystem is implemented as a wireless ad hoc network. Since, ad hoc network is known for relaying data information from one node to the next, therefore Examiner takes Official Notice that ad hoc network is a known method in communication art.

Regarding to claims 10-11: Ghaffari and Hutchins discloses all the limitations as described above, Ghaffari further teaches that the monitoring system is communicating with personnel for better accomplish the aforementioned real time total asset visibility of an area being monitored [col. 3, lines 10-13] that constitute of an actuator operable in response to

Art Unit: 2632

communications from the command and control subsystem in response to input from a two way communications personnel tracking device as claimed.

3. Claims 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghaffari in view of Hutchins et al. in claim 1 above, and further in view of Ramamurthy et al. [US 6,853,294; Ramamurthy].

Regarding to claim 2: Ghaffari and Hutchins discloses all the limitations as described above, except for not specifically teach that the command and control programming communicates with the programming of the other subsystems using IP protocol. Ramamurthy teaches a networking application for automated data collection that computers use IP protocol method in communication with each other [see col. 4, lines 21-32]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to implement IP protocol for communication as taught by Ramamurthy, for the advantage of reducing interference and loss data.

4. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghaffari in view of Hutchins et al. in claim 1 above, and further in view of Schwartz et al. [US 2004/0095239; Schwartz].

Regarding to claim 5-8: Ghaffari and Hutchins discloses all the limitations as described above, except for not specifically teaching a maps database and clickable icons on the map that the command and control subsystem is operable to access the locations of materials and tools based on input from the readers. Schwartz teaches the computerized risk management program comprises a map database that display the location of item, including a clickable icon

Art Unit: 2632

that allows user to view the item location on the map [see Fig. 2, 4 and ¶ 0051-0054]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to implement the map database with clickable icons as taught by Schwartz into the system of the combination above, for the benefit of easy to identify the location.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ghaffari in view of Hutchins et al. in claim 1 above, and further in view of Gaukel [US 6,100,806].

Regarding to claim 9: Ghaffari and Hutchins discloses all the limitations as described above, except for not specifically teaching that the personnel tracking devices are equipped with at least one environment sensor. Gaukel teaches the individuals tracking device (20) comprises an environmental sensor (21, 24 and 23). It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to employ the environmental sensor as taught by Gaukel in the tracking device of the combination above, for the benefit of being able to identify the condition around the personnel at the monitoring area.

Allowable Subject Matter

6. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2632

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Muhme [US 5,886,634] and Przygoda, Jr. et al. [US 6,373,389].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Tang


Thomas J. Mullen, Jr.
Primary Examiner
Art Unit 2632